

## **Chapter 94 UTILITIES\***

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**\*Charter reference(s)**--Authority to acquire, operate and maintain public utilities, Ch. XII, § 9.

**Cross reference(s)**--Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 26; health and sanitation, ch. 34; historical preservation, ch. 38; planning, ch. 66; solid waste, ch. 70; streets, sidewalks and other public property, ch. 74; erection of utility poles and wires on public property, § 74-2; public and private utility franchises, § 74-141 et seq.; subdivisions and other land divisions, ch. 78; telecommunications, ch. 90; attaching wires to trees, § 98-3; franchises, app. A.

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### **ARTICLE I. IN GENERAL**

#### **Sec. 94-1. Penalty for violations of chapter.**

Any person violating any provision of this chapter concerning water, sewer and sewage disposal shall be responsible for a civil infraction. For each day that the violation continues an additional civil infraction will occur. The responsibility for civil infraction for such violation shall be in addition to any other civil penalties set forth in the chapter.

(Code 1975, § 24-3)

#### **Sec. 94-2. Water and sewer connection permit.**

No person shall make, or cause to be made, any connection to any water pipe or sewer constructed or maintained by the city without first obtaining a permit therefor from the department of public works of the city; nor shall any person make, or cause to be made, any such connection in any manner or at any time or place except as specified in such permit.

(Code 1975, § 24-2)

Secs. 94-3--94-30. Reserved.

### **ARTICLE II. DEPARTMENT OF PUBLIC UTILITIES\***

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**\*Cross reference(s)**--Departments, § 2-91 et seq.

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#### **Sec. 94-31. Established.**

There is hereby established a department of public utilities, having jurisdiction of all utilities owned and operated by the city.

(Code 1975, § 24-14)

**Charter reference(s)**--Authority to create departments, ch. V, § 5.

**Sec. 94-32. Appointment and general responsibilities of director and assistant director.**

The city manager shall appoint a qualified person as director of the department of public utilities, who shall be responsible for the planning, management and operation of the complete water and sewer systems of the city. The director of the department of public utilities may appoint, with the consent and approval of the city manager, an assistant director of utilities who shall be responsible to the director for the division of water supply and purification, the division of sewage treatment and the division of water and sewer maintenance.

(Code 1975, § 24-15)

**Charter reference(s)**--Appointment power of city manager, ch. III, § 2(2).

**Sec. 94-33. Establishment and supervision of divisions.**

- (a) The department of public utilities shall be divided into the following divisions, which shall be supervised by the director of the department of public utilities or by qualified persons appointed by the director with the consent and approval of the city manager:
  - (1) Division of water supply and purification.
  - (2) Division of sewage treatment.
  - (3) Division of water and sewer maintenance.
  - (4) Division of water and sewer billing.
- (b) The supervisor of each of these divisions shall be designated as the superintendent of his division. Such superintendents shall perform their duties under the direct supervision and subject to the approval of the director of utilities.

(Code 1975, § 24-16)

**Sec. 94-34. Powers and duties of division superintendents--Division of water supply and purification.**

The superintendent of the division of water supply and purification of the department of public utilities shall be in charge of the operation and maintenance of the water pumping and filtration plant and appurtenances. The superintendent of the division of water supply and purification of the department of public utilities shall have full charge of the intake pipes, wells, pumping station, chlorinating or other purification plants, and all other work pertaining to the supply of water.

(Code 1975, § 24-17)

**Sec. 94-35. Same--Division of sewage treatment.**

The superintendent of the division of sewage treatment of the department of public utilities shall be in charge of the operation and maintenance of the sewage treatment plant, interceptors, sewage metering and pumping stations. Such superintendent shall also have supervision over industrial waste discharges to the sewage system.

(Code 1975, § 24-18)

**Sec. 94-36. Same--Division of water and sewer maintenance.**

The superintendent of the division of water and sewer maintenance of the department of public utilities shall be in charge of the installation, maintenance and operation of the water and sanitary sewer systems and appurtenances, except as provided in sections 94-34 and 94-35. The superintendent of the division of water and sewer maintenance of the department of public utilities shall have full charge of all water mains, fire and other hydrants, elevated tanks, service pipes and other connections and meters.

(Code 1975, § 24-19)

**Sec. 94-37. Same--Division of water and sewer billing.**

The superintendent of the division of water and sewer billing of the department of public utilities shall have full charge of the preparation, billing and distribution of water and sewer service charges and the necessary bookkeeping incident thereto. The superintendent of the division of water and sewer billing of the department of public utilities shall have prepared, in such form as he may from time to time prescribe, blank applications for the proper operation of his duties.

(Code 1975, § 24-20)

**Sec. 94-38. Moonlighting by members and employees.**

Members and employees of the department of public utilities shall devote their whole time and attention to the service of the department, except as provided in this section. During off-duty hours, members and employees of the department of public utilities may engage in outside business activities so long as the latter shall in no way impair or affect their efficiency or interfere with the performance of their official departmental duties. When engaged in such outside activities, members and employees of the department of public utilities shall file with the director of the department of public utilities a written notice of the character of work engaged in, the place where so engaged, and make themselves available and be prepared at all times to respond immediately to any call notifying them that their services are required by the department. It shall be the duty of the director of the department of public utilities to determine whether such outside activity of any member of the department is impairing or affecting his efficiency or interfering with his official duties, and if so, such member shall be required to discontinue such activity. Members of the department of public utilities may engage in work for other city departments whenever authorized by the director of the department of public utilities.

(Code 1975, § 24-21)

**Sec. 94-39. Appointment of additional employees.**

The director of the department of public utilities may appoint, with the consent and approval of the city manager, such other employees, in addition to those provided for in this article, as may be required from time to time by the department.

(Code 1975, § 24-22)

**Sec. 94-40. Limitation on expenditures; requisitions.**

The director of public utilities shall supervise the water system and keep the water system in good order and repair. No repairs, extensions or additions, the cost of which shall exceed the sum of \$500.00, shall be made unless the approval of the city manager shall first have been obtained therefor, and no supplies of any kind or cost shall be charged by the director or by any employee of the department of public utilities, except upon requisition properly countersigned and filed with the purchasing agent.

(Code 1975, § 24-23)

Secs. 94-41--94-60. Reserved.

**ARTICLE III. WATER SYSTEM\***

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**\*Cross reference(s)**--Point-source ground water discharges, § 26-211 et seq.; health and sanitation for water supplies, § 34-61 et seq.

**State law reference(s)**--Power to operate and maintain water system, MCL 123.241.

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**DIVISION 1. GENERALLY**

**Sec. 94-61. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Consumer* means the person owning the property in or upon which the water is consumed.

*Department* means the city's department of public utilities.

*Director* means the director of the department of public utilities.

*Flat rate* means the fixed charge for water and water service where no meter is used by the consumer.

*Service line* and *service pipe* mean any line or pipe leading from the property line to the building.

*Stub line* and *stub pipe* mean the pipe leading from the main to the property line.

*System* means the city's water system also called works.

(Code 1975, § 24-35)

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 94-62. Rules and regulations of city commission and city manager.**

The city commission may make such rules and regulations governing the operation of the system and the collection of the service rates as it shall deem necessary. The city manager may make such further bylaws, not inconsistent with the rules and regulations of the city commission, as he may deem necessary for the management and protection of the system. Such rules, regulations and bylaws shall have the same force and effect as ordinances.

(Code 1975, § 24-36)

**Sec. 94-63. Charges and costs for service pipes and mains installed by city.**

- (a) If any property owner fails to make proper connection with the water main before the paving of a street is commenced, the city shall run the stub line and a charge shall be made against the property for the amounts set forth in the schedule of fees and rates set forth in resolution adopted by the city commission.
- (b) Before water is turned on at any premises against which there may be a charge, all charges lawfully made against the premises with interest, if any, shall be paid in full. The city shall keep a record of all such accounts available and posted, and a copy of such record shall be furnished to the city director of finance. The city shall not turn water on, nor permit water to be turned on or used, at any premises in the city where accounts against the premises for water have not been fully paid.
- (c) The city commission may determine, from time to time, whether to special assess a water main to benefited properties whether or not abutting the water main, or to charge connection fees as set forth in this section.
- (d) Where the city performs or has performed any one of the following, without charging abutting or benefited properties a special assessment, a connection fee shall be charged:
  - (1) Installation of a main water line, where no main water line has existed in the street where the new main is being installed;
  - (2) Installation of connections of stub lines to main water lines from a property which has never been previously connected to a main water line in the street where the main is located;
  - (3) A connection fee will be charged whenever a meter is upgraded to a larger size. Credit for any previous connection fee paid will be given on the replaced larger size meter. Where a property changes to a smaller size meter, no refund of connection fees shall be made;
  - (4) Where a connection is made to a property containing more than one residential unit or any nonresidential usage, there shall be charged in addition to the connection fee, the cost of labor and materials to provide the stub line from the city main water line to the property boundary.

The fee shall be determined by reference to the costs of installation, repair, restoration, replacement, improvements and reserves for such installation, repair, restoration, replacement and improvements, the costs of bonds issued to pay for such improvements, including administrative and legal costs, and any other reasonable costs attributable to such commission shall by resolution adopt a schedule of connection fees, from time to time. Connection fees and estimates of actual costs where applicable shall

be paid in full seven days before installation begins.

- (e) Fees shall be charged for the installation of a stub from the water main to the property boundary in accordance with the resolution of fees and rates adopted by the city commission. Such stub line installation fees shall be charged where the owner of the property or an authorized representative has requested an upgrade of service, or an upgrade of service has been installed. The city in such cases reserves the right to determine whether a stub replacement is warranted before agreeing to install the stub replacement. Stub line installation fees will not be charged where an existing stub line is being replaced because of city work on the main or the street.

(Code 1975, § 24-37)

**Sec. 94-64. Application for service and discontinuance of service.**

- (a) No person shall be granted water service, nor shall water be turned on, until proper written application therefor shall have been made on blanks furnished by the city for this purpose, and no water shall be discontinued (except involuntary discontinuance for cause or nonpayment) until proper written application therefor has been made on blanks also furnished by the city. Verbal or telephone requests for turning on or turning off water will be accommodated by mailing or furnishing at the city hall forms to be completed by the owner. Filing of the completed application shall be necessary to place in effect the account status change and termination or initiation of service. All requests for water service shall be signed by the property owner.
- (b) If any application for service shall require a stub line of a diameter of three inches or larger, water shall not be turned on until the owner at his own cost and expense, shall have first furnished to the director of public works of the city, the written results of tests conducted by qualified test operators certifying that the stub line and all the owner's connections thereto have been hydrostatically tested and disinfected in accordance with the then existing standard construction specifications of the city.

(Code 1975, § 24-38)

**Sec. 94-65. Turning water on or off at fire hydrants.**

No person other than the superintendent of water and sewer maintenance or employees of the system designated by him, or employees of the street department, on permission granted by the superintendent of water and sewer maintenance, or a member of the fire department, shall be permitted to turn water on or off at any fire hydrant.

(Code 1975, § 24-43)

**Sec. 94-66. Maintenance of service lines, stub lines and fixtures.**

Any person taking water from the works shall not permit service lines, stub lines or fixtures connected therewith to be in a state of disrepair or unprotected from frost. Any person who shall allow meters to freeze or be damaged by heat or hot water shall pay the cost of such repair each time such meter is repaired, and no water will be furnished

until such payment is made.

(Code 1975, § 24-44)

**Sec. 94-67. Restriction on use of water for lawn sprinkling, cooling and industrial purposes.**

No person shall use water supplied by the system for lawn sprinkling purposes when so ordered by the director. The director may set reasonable bans on water use for lawn sprinkling, air conditioning, cooling and industrial use when, in the opinion of the director, the use of this water will affect the health, safety and welfare of the citizens of the community. Such restriction shall also apply to any user of water or water service who is located outside of the corporate limits of the city.

(Code 1975, § 24-45)

Secs. 94-68--94-85. Reserved.

**DIVISION 2. WATER USE CHARGES\***

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\*State law reference(s)--Liability of landlords for water charges, MCL 141.121.

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**Sec. 94-86. Meters required; flat rates prohibited on new service; remote reading devices.**

All new service added to the water distribution system shall be metered with a remote reading device, and under no conditions shall flat rates be granted. Flat rates now in effect shall be discontinued and meters shall be installed by the consumer when, in the opinion of the director, such discontinuance of the flat rates shall be deemed advisable. A remote reading device shall be installed on all existing meters and shall be attached to the outside of the dwelling.

(Code 1975, § 24-40)

**Sec. 94-87. Separate meter and service pipe for each house.**

No two residences shall be placed on one water meter, nor shall the service pipe be run from one house to another but shall be run directly to the main adjacent to the premises served.

(Code 1975, § 24-41)

**Sec. 94-88. Testing of meters.**

Procedures and requirements for testing of meters shall be established by regulations adopted by the city commission.

(Code 1975, § 24-42)

**Sec. 94-89. Basis of charges.**

The rates for services furnished by the system shall be levied upon each lot or parcel of land, building or premises within the corporate limits of the city having any connection with the system, on the basis of the quantity of water used thereon or therein as such quantity is measured by the city water meter there in use.

(Code 1975, § 24-53)

**Sec. 94-90. Rates established.**

The city commission may classify all users of water, and establish rates for such users, including the establishment of rates for each fire hydrant or fire line publicly or privately owned and used only for such purposes, according to the quantity of water used and charge such rates to users of each class as it may deem advisable. Such classes and rates shall be fixed and determined by a schedule of rates and fees adopted by the city commission by resolution.

(Code 1975, § 24-54)

**Sec. 94-91. Rates apply to each meter.**

Whenever more than one meter is required for a property owner or consumer, the rates prescribed by this division shall apply to each meter.

(Code 1975, § 24-55)

**Sec. 94-92. Additional charge for users outside city.**

Any user of water or water service who is located outside of the corporate limits of the city, who has a connection with the water supply system of the city, shall pay for water or water service such additional rate to that charged to users within the city as the city commission may, from time to time, determine by contract or otherwise.

(Code 1975, § 24-56)

**Sec. 94-93. Division of city into districts for billing purposes.**

For the purpose of reading water meters and the collection of water bills, the city shall be divided into three approximately equal districts, which shall be delineated and become a part of the records of the department of public utilities. Any necessary changes in the districts shall be made by the division of water and sewer billing, with the approval of the city manager, with a letter to the involved property owners.

(Code 1975, § 24-57)

**Sec. 94-94. Adjustments of charges for meter inaccuracies.**

Procedures and requirements for adjustments of water and sewer charges for meter inaccuracies shall be established by regulations adopted by the city commission.

(Code 1975, § 24-58)

**Sec. 94-95. Determining charges in case of meter failure.**



Procedures and requirements for determining charges in case of meter failure shall be established by regulations adopted by the city commissioner.

(Code 1975, § 24-59)

**Sec. 94-96. When and where bills are due and payable.**

All water bills for each water district in the city shall be due and payable at the city hall on the dates and on a schedule set forth in regulations adopted by city commission resolution. Billing cycles may be determined for different types of users in accordance with reasonable standards.

(Code 1975, § 24-60)

**Sec. 94-97. Charges for late payments.**

Charges for late payment shall be added to delinquent bills and shall be determined by resolution of the city commission.

(Code 1975, § 24-61)

**Sec. 94-98. Notice of and discontinuance of service for delinquency.**

Any water bill remaining unpaid for 15 days after the due date shall be deemed delinquent, and the property owner shall be notified thereof. If the bill is not paid within ten days after the date of the notice, the water may be turned off, or a reasonable effort will be made by the city to turn off the water and such shall be considered the same as a turnoff in regards to turn-on fees. The water will not again be turned on until a turn-on fee, as set by the city commission, and all other charges against the premises, shall have been paid.

(Code 1975, § 24-62)

**Sec. 94-99. Charges as lien; credit not extended.**

All water rates shall be chargeable to and payable by the owners of the property in or on which service is rendered, and such charges shall constitute a lien on the property served by such connection, and if not paid within 90 days, may be collected in the same manner as general city taxes. Credit for water or water service beyond the regular quarterly period shall not be extended to any property owner or user.

(Code 1975, § 24-63)

**State law reference(s)**--Liens for water charges, MCL 123.161 et seq.

**Sec. 94-100. Payment by city.**

The city shall pay, out of the appropriate general funds of the city, the reasonable cost and value of water furnished to the city by the system, on the basis of the rates established by this division and the amount of water used by the several departments of the city.

(Code 1975, § 24-64)

**Sec. 94-101. No free service or use.**

No free service or use of the system, or service or use of the system at less than cost, shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the city.

(Code 1975, § 24-66)

Secs. 94-102--94-130. Reserved.

**ARTICLE IV. SEWERS AND SEWAGE DISPOSAL\***

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**\*Cross reference(s)**--Deposit of wastewater or flammable liquids on streets or sidewalks, § 74-9.

**State law reference(s)**--Power to operate and maintain sewage systems, MCL 123.241, 123.281.

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**DIVISION 1. GENERALLY**

**Sec. 94-131. Rules and regulations generally.**

The city commission may make such rules and regulations governing the operation of the sewerage system and the collection of the service charges as it shall deem necessary. Such rules and regulations and bylaws shall have the same force and effect as ordinances.

(Code 1975, § 24-1(b))

Secs. 94-132--94-150. Reserved.

**DIVISION 2. CONSTRUCTION, REPAIR AND RELATED MATTERS**

**Sec. 94-151. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building sewer* means the line running from the property line to the structure or building located thereon.

*Lateral* means a stub line.

*Sewer service line* and *service line* mean the same as building sewer.

*Stub line* means the sewer pipe running from the main sewer and any public way to the property line.

(Code 1975, § 24-74)

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 94-152. Compliance with plumbing code.**

All laterals shall be laid in compliance with the provisions of the city plumbing code.

(Code 1975, § 24-75)

**Sec. 94-153. Designation on paving plan of laterals not constructed.**

It shall be the duty of the city engineer to designate on the paving plan all laterals and sewers not constructed.

(Code 1975, § 24-76)

**Sec. 94-154. Construction, alteration or repair prior to paving--Order by city commission.**

The city commission may, by resolution, before laying any pavement, order constructed, raised, lowered, relaid or repaired any lateral whenever a change in grade or a new lateral is required.

(Code 1975, § 24-77)

**Sec. 94-155. Same--Notice to owner or occupant of property in front of or contiguous to proposed improvement; resolution fixing time for hearing, etc.**

- (a) The city commission shall give to the owner, agent or occupant of any parcel of land in front of or contiguous to a lateral to be constructed, raised, lowered, relaid or repaired, notice of not less than 14 days of the time when the city commission will meet for the purpose of hearing such owner, agent or occupant relative to such work. The city commission shall, by resolution, fix the time for such hearing and the time when such work shall be done. Such resolution shall also provide that in the event the owner, agent or occupant of such parcel of land fails to make such proposed improvement, the work shall be done by the city and the expense thereof shall be assessed as a special assessment. The city manager shall keep and file a copy of such notice, with the proper return of service thereon, and file the copy of such notice with the city commission.
- (b) For the purpose of serving the notice provided for in this section, the party to whom the lot or premises is assessed shall be deemed the owner thereof, and in case it is assessed "owner unknown," and the name of the owner cannot be ascertained, upon proof of that fact filed with the city commission, the city commission shall publish such notice in a newspaper published and in general circulation in the city, not less than three weeks in succession, and upon filing of the affidavit of such publication with the city commission, the same proceedings shall thereafter be had as if there had been personal service. When the owner is known, but resides outside of the city, service may be made by registered mail. Upon the filing of proof of receipt of such notice by registered mail, the same proceedings shall be had as though personal service had been made.

(Code 1975, § 24-78)

**Sec. 94-156. Same--Failure of owner or occupant to comply with notice.**

Any owner, agent or occupant of any premises in front of or contiguous to a lateral to be constructed, raised, lowered, relaid or repaired, as the case may be, who refuses to cause such work to be done within the time specified in the notice served upon him personally under section 94-155, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum not to exceed \$100.00 and the costs of prosecution.

(Code 1975, § 24-79)

**Sec. 94-157. Same--Work by city.**

- (a) If the person, against whom an improvement is to be assessed pursuant to a resolution adopted under section 94-155, shall refuse or neglect to construct, repair, raise, lower or relay such lateral within the time specified in the notice given him, the city commission shall then, by resolution, instruct the city manager to cause such work to be done according to the resolution authorizing such work, and the cost and expense thereof shall be a lien upon the premises in front of or contiguous to such lateral. The cost and expense of such work shall be assessed, levied and collected in the same manner and be included in the amount raised for sewer purposes as other taxes.
- (b) The city manager shall keep, or cause to be kept, an itemized account of the total cost of work done under this section, verify the amount and file it with the city commission. The amount so verified shall be the amount assessed and collected against such premises, and the cost shall be paid out of the contingent fund, and upon receipt of such sum from the taxpayer it shall be credited to the contingent fund.

(Code 1975, § 24-80)

**Sec. 94-158. Building sewers and connections.**

A separate and independent building sewer shall be provided for every building. Exceptions will be allowed only by special permission granted by the city. All costs and expenses incurred by the installation, connection, repair and maintenance of the building sewer shall be borne by the owner.

(Code 1975, § 24-81)

Secs. 94-159--94-175. Reserved.

**DIVISION 3. CONNECTIONS**

**Sec. 94-176. Connection by city at time of original construction; costs.**

At the time of original construction of a public sewer, the city shall install that portion of the building sewer from the public sewer to the lot or easement line of all unserved properties. The cost of this portion of the building sewer shall be paid by the owner of the properties.

(Code 1975, § 24-160)

**Sec. 94-177. Permit required for connection subsequent to time of original construction.**

Those customers making connections subsequent to the time of original construction of the public sewer shall apply for and receive a sewer connection permit. Application for such permit and the payment therefore shall be made at the water and sewer billing office. The cost of that portion of the building sewer from the public sewer to the lot or easement line, serving residential properties, shall be established from time to time by resolution of the city commission. The cost of all other connections shall be those costs incurred by the city for the installation of such connections. All work within the public right-of-way shall be performed by the city's forces and the expense thereof shall be paid by the property owner. As established in this section, this payment shall be part of the fee for the permit.

(Code 1975, § 24-161)

**Sec. 94-178. Maintenance, repair or replacement.**

Those customers making connections to the public sewer shall install, at their expense, that portion of the building sewer from such lot or easement line to their premises. The customers shall maintain, at their expense, the building sewer. The city shall provide minor maintenance, at the sewer utilities expense, of the public sewer. Major maintenance and repair and/or replacement of the public sewer may be assessed as a special assessment against the benefited properties.

(Code 1975, § 24-162)

**Sec. 94-179. City not responsible for breaking of mains, etc.**

The city shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(Code 1975, § 24-163)

**Sec. 94-180. Inspection of premises receiving sewer service.**

The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the city.

(Code 1975, § 24-164)

**Sec. 94-181. Change or amendment of rules.**

These rules may be changed or amended.

(Code 1975, § 24-165)

**Sec. 94-182. Connection, deposits to sanitary sewer.**

No person shall connect a roof drainage system, foundation drainage system,

sump pump, parking lot or other stormwater, surface water, groundwater, or noncontact cooling water collection mechanism to, or deposit or allow to be deposited such effluent in, a sanitary sewer. If such connections or deposits are found, it shall be the responsibility of the property owner or occupant to disconnect any such drainage system and prevent such deposit, under the supervision and subject to the inspection of the city and to provide other means, approved by the city, for the disposal of such water or effluent.

(Code 1975, § 24-166)

Secs. 94-183--94-200. Reserved.

## **DIVISION 4. SEWER USE REQUIREMENTS**

### **Subdivision I. In General**

#### **Sec. 94-201. Definitions.**

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816 et seq., 33 USC 1251 et seq.). Specific reference to sections within the act will be according to Pub. L. 92-500 notation.

*Administrator* means the administrator of the environmental protection agency or any employee of the agency to whom the administrator may by order delegate the authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

*Analytical methodology* means the Guidelines Establishing Test Procedures for the Analysis of Pollutants, 40 CFR Part 136, as amended, or procedure described in subsection 94-224(b).

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Cesspool, septic tank and privy* mean, for the purposes of this division, an individual system for the disposal of sanitary sewage other than to a public sewer.

*Class of users* means the division of sanitary sewer dischargers into classes by similar process or discharge flow characteristics as follows:

- (1) *Domestic user* means a user that discharges only segregated domestic wastes or wastes from sanitary conveniences.
- (2) *Major user* means any nondomestic user that discharges more than

25,000 gallons per average workday to the public sewer or the POTW.

(3) *Nondomestic user* means any user other than domestic.

*COD* means the total demand or quantity of oxygen required by the sewage as specified in the current edition of Standard Methods For The Examination of Water and Wastewater expressed in milligrams per liter.

*Collection system* means all of the common sanitary sewers and lift stations of a municipality which are primarily installed to receive wastewater directly from point sources, for transmission to the POTW.

*Compatible pollutant* means any pollutant that is not an incompatible pollutant.

*Construction* means any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises.

*Contractee* means a party to a service agreement with the DPW board.

*County board* means the board of commissioners of the county.

*County director* means the director of the wastewater management system of the county or the authorized deputy, agent or representative, as appointed by the county board of public works.

*Daily average* means the sum of the concentrations of a constituent for the measurement period divided by the number of days in such period.

*Director/superintendent* means the person designated by the municipality or its authorized agency, to exercise control over its municipal sewers, collection and transmission system.

*DNR* means the department of natural resources of the state or its successor.

*DPW board* means the board of public works of the county.

*Effluent limitation* means any restriction promulgated by federal, state or local government on quantities, rates and concentrations of chemical, physical, biological or other constituents which are discharged from point sources into navigable waters.

*Effluent standard* means any restriction established pursuant to this article on quantities, rates and concentrations of chemical, physical, biological or other constituents which are discharged to the public sewer or the POTW.

*Existing source* means any source which is not a new source.

*FCPS* means federal categorical pretreatment standard.

*Garbage* means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Incompatible pollutant* means any pollutant in amounts which cause interference.

*Industrial wastes* means the liquid or gaseous wastes resulting from industrial or manufacturing processes, trade or business or from the development, recovery or processing of resources or containers as distinct from segregated domestic strength wastes and wastes from sanitary conveniences.

*Infiltration* means any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connection or manhole walls, but shall not include, and is distinguished from inflow.

*Infiltration/inflow (I/I)* means the total quantity of water from both infiltration and inflow.

*Inflow* means any water entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

*Inspector* means any person or persons authorized by the municipality to inspect and approve the installation of building sewers and their connection to the public sewer system.

*Interference* means inhibition or disruption of the public sewer or the POTW's sewer system or the POTW's treatment processes or operation which causes or significantly contributes to a violation of any requirement of the POTW's NPDES permits. The term also includes prevention of sewage sludge use or disposal by the POTW in accordance with published promulgated regulations under Section 405 of the act or any regulations promulgated pursuant to the Solid Waste Disposal Act (42 USC 3251 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state promulgated rules (including those contained in any state Sludge Management Plan prepared pursuant to Title IV of such Solid Waste Disposal Act) applicable to the method of disposal or use employed by the POTW. Pollutants in the effluent of a user shall not be considered to cause interference where the user is in compliance with specific prohibitions, standards, effluent standards or effluent limitations developed by the federal government, the state, local government or the POTW. Where the user is in compliance with such specific prohibitions, standards or limitations, and pollutants in the sewage from the user nevertheless caused or significantly contributed to a violation of any requirement of the POTW's NPDES permits, and are likely to cause such a violation in the future, the POTW must take appropriate action under 40 CFR 403.5(c).

*Manufacturer* means any establishment engaged in the mechanical, physical or chemical transformation of materials or substances into new products including but not limited to the blending of materials such as pesticidal products, resins, or liquors.

*mg/l* means milligrams per liter.

*Municipality* means a city, village, township or other public body (excluding the county) created under state law, having jurisdiction over disposal of sewage, industrial waste or other waste.

*Muskegon County Wastewater Management System (MCWWMS)* means the Muskegon County Wastewater Management System Number One, which includes the facilities commonly referred to as the "Whitehall-Montague" site.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*New source* means any source, the construction of which is commenced after the publication of proposed regulations prescribing a categorical pretreatment standard under Section 307(c) of the act which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the



standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

*Normal strength sewage* means a sanitary wastewater flow containing an average daily BOD of not more than 250 mg/l or an average daily SS concentration of not more than 250 mg/l, and phosphorus of not more than ten mg/l.

*NPDES permit* means a permit issued pursuant to the national pollution discharge elimination system for the discharge of wastewater into the waters of the state.

*Organic chemicals* means compounds composed of carbon and hydrogen or their derivatives which are manmade or byproducts of manmade or natural substances which include but are not limited to synthetic fibers, plastics, rubber, medicinals, solvents, surface-active agents, pesticides and other agricultural chemicals and lubricating oil additives or other petroleum derivatives.

*pH* means the negative logarithm of the concentration of hydrogen ions in grams per liter of solution.

*POTW* means the treatment works, as defined by Section 212 of the act, which are owned by the county. The term also means the DPW board or its authorized representative.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in sewage to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sewer or the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d) and (e), as amended.

*Process wastes* means liquid or water-carried wastes which are inherent to or resulting from any manufacturing operation, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product, or results from cleaning operations.

*Replacement* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

*Sanitary sewage* means the liquid, gaseous or water-carried waste discharged from sanitary conveniences.

*Sewage* means a combination of water-carried liquid and gaseous wastes from any source, including domestic and nondomestic, as well as ground, surface and stormwaters as may be present.

*Sewer* shall mean a pipe or conduit that carries wastewater or drainage water. See the following definitions modifying the term "sewer":

- (1) *Building sewer* means the extension from the building drain to a lateral sewer, private sewer, public sewer or other place of disposal.

- (2) *Combined sewer* means a sewer intended to receive both wastewater and storm or surface water.
- (3) *Common sewer* means a sewer in which all owners of abutting properties have equal rights.
- (4) *County sewer* means a public sewer controlled by the county.
- (5) *Intercepting sewer* means a sewer that receives dry weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of stormwater (if from a combined system), and conducts such water to a point for treatment or disposal.
- (6) *Lateral sewer* means a sewer which is designed to receive a building sewer.
- (7) *Private sewer* means that section of a sewer owned by a nondomestic user which connects that user to the public sewer and which typically extends from such point of connection upstream to the user's lateral sewers or to a lift station or other outlet owned by the user.
- (8) *Public sewer* means a common sewer controlled by a governmental agency or public utility.
- (9) *Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (10) *Storm sewer* means a sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastewater. Also called "storm drain."
- (11) *Trunk sewer* means a sewer which connects the lateral sewer to the intercepting sewer and to which building sewers may be connected.

*Slug* and *shockload* mean any discharge of sewage or industrial waste which, in concentration of any given constituent or in quantity of flow causes interference.

*Source* means any building, structure, facility, vehicle or installation from which there is or may be the discharge to the public sewer or the POTW.

*SS (suspended solids)* means solids that either float on the surface of, or in suspension in, sewage and which can be removed by the procedures specified in the current edition of Standard Methods For The Examination of Water and Wastewater.

*State director* means the executive secretary of the water resources commission of the state.

*Storm drain* and *storm sewer* mean a sewer intended to carry only stormwaters, surface runoff, street wash waters, and drainage.

*Thirty-day average concentration* means, for other than fecal or total coliform bacteria, the sum of the concentrations of the individual samples divided by the number of samples taken during a calendar month. The 30-day average concentration for fecal or total coliform bacteria is the geometric mean of the samples collected in a calendar month.

*Toxic and toxic pollutant* mean chemicals described in subsection 94-222(6)p.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or the county discharge limits, because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation.

*U.S. EPA* means the United States Environmental Protection Agency or its successor.

*User* means a source (including a Section 307 source) and the municipality whose collection system discharges into the POTW.

*Waste component* means any constituent of sewage other than water, including, but not limited to BOD, SS, other soluble and insoluble matter and phosphate concentrates.

*WRC* means the water resources commission of the state or its successor.

*Working day* means the hours during a calendar day in which a user discharges effluents subject to this article.

(Code 1975, § 24-97)

**Cross reference(s)**--Definitions generally, § 1-2.

#### **Sec. 94-202. Purpose.**

It is the declared purpose of this division to establish standards to:

- (1) Prevent the pollution of the public waters.
- (2) Preserve and maintain the sewage collection and treatment facilities of Muskegon County Wastewater Management System Number 1 (the "system"), municipalities and users.
- (3) Preserve the public health, safety and welfare.
- (4) Comply with all applicable state and federal laws, regulations and standards pertaining to water quality.
- (5) Provide for the prohibition of the discharge of incompatible pollutants to the system.
- (6) Provide for the control of pollutants discharged to the system.
- (7) Provide for the enforcement of standards relating to the acceptability of wastewaters to be discharged to the system.

(Code 1975, § 24-93)

#### **Sec. 94-203. Mandatory connection to sanitary sewer; denial of right to connect.**

Every owner of property abutting, adjacent to or along the line of a sanitary sewer now constructed or hereafter constructed shall connect thereto all plumbing facilities for the disposal of sewage and waste. Provided, however, that the city shall have the right

to refuse any person the right to connect to the sewage disposal system if, in the judgment of the city commission, it is for the best interest of the city to do so.

(Code 1975, § 24-94)

**Sec. 94-204. Privies and cesspools prohibited where sanitary sewer service furnished.**

No person shall keep or maintain or allow to be kept or maintained any privy or cesspool on any premises under his control in the city where sanitary sewer service is accessible to the premises.

(Code 1975, § 24-95)

**Sec. 94-205. Connection of surface drainage pipes to sewers.**

No owner of any property abutting, adjacent to or along the line of a sanitary sewer shall connect, directly or indirectly, any pipes from roofs, eavetroughs or other places to permit surface drainage into such sewer, and all such pipes shall be connected to a storm sewer or combined sewer, if such a sewer is constructed abutting, adjacent to or along the line of such property. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(Code 1975, § 24-96)

Secs. 94-206--94-220. Reserved.

**Subdivision II. Discharge Restrictions**

**Sec. 94-221. Intent of regulations.**

The regulations contained in this subdivision are generally intended to:

- (1) Prohibit the discharge to public sewer facilities of sewage which causes interference or could have detrimental effects on the physical structures or operating personnel of the system, or on the general public; and
- (2) Restrict the discharge to public sewers of technically unpolluted water.

(Code 1975, § 24-98)

**Sec. 94-222. Prohibited discharges.**

No person shall discharge or cause to be discharged into any public sewer or to the POTW any of the following:

- (1) Sewage in an amount which creates or may create a fire or explosion hazard in the POTW or the collection system.
- (2) Sewage in an amount which causes or may cause corrosive structural damage to the collection system or the POTW.

- (3) Solid or viscous sewage in amounts which could cause or do cause either obstruction to flow or interference in the collection system or the POTW.
- (4) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollution concentration which a user knows or has reason to know will cause interference in the collection system and the POTW.
- (5) Sewage which may cause or does cause:
  - a. Impairment of the strength or durability of structures in the collection system or the POTW.
  - b. Restriction of hydraulic capacity of structures in the collection system or the POTW.
  - c. Unsafe conditions to personnel in the inspection or maintenance of structures of the collection system or the POTW or unsafe conditions to the general public, with respect to the collection system.
- (6) Discharges which exceed the following criteria by an amount which may cause or does cause interference:
  - a. Five-day biochemical oxygen demand (BOD) in excess of a daily average of 250 mg/l.
  - b. Chemical oxygen demand (COD) in excess of a daily average of 450 mg/l.
  - c. Chlorine demand of greater than 20 mg/l.
  - d. Total suspended matter in excess of a daily average of 250 mg/l.
  - e. Residue (total on evaporation) in excess of a daily average of 750 mg/l.
  - f. Solvent extractables (grease, fat, oil or other freon soluble materials) in excess of a daily average of 50 mg/l.
  - g. Grease, oil or other substances that will become solid or viscous at temperatures between 32 degrees and 120 degrees Fahrenheit in concentrations that will increase the viscosity of the sewage to greater than 1.1 specific viscosity.

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- h. Sewage flow or batch discharge containing concentrations in excess of:

pH 9.5 to 6

TABLE INSET:

	Daily Average Concentration	30-Day Average Concentration

Iron	10 mg/l as Fe	10 mg/l as Fe
Copper	4.5 mg/l as Cu	1.8 mg/l as Cu
Nickel	4.1 mg/l as Ni	1.8 mg/l as Ni
Chromium	7.0 mg/l as total Cr	2.5 mg/l as total Cr
Cyanide, T	0.8 mg/l as CN	0.23 mg/l as CN
Zinc	4.2 mg/l as Zn	1.8 mg/l as Zn
Cadmium	1.2 mg/l as Cd	0.5 mg/l as Cd
Lead	0.6 mg/l as Pb	0.3 mg/l as Pb
Aluminum	5.0 mg/l as Al	--
Silver	1.2 mg/l as Ag	0.5 mg/l as Ag
Phenols	150 mg/l as C <sub>6</sub> H <sub>5</sub> OH by 4 AAP method or 200 mg/l total by approved GC methodology	
Total chrome, copper, nickel and zinc	10.5 mg/l	5.0 mg/l
Nuclear	As per state and national regulations	

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- i. Temperature below 32 degrees Fahrenheit (0 degrees Celsius) or above 150 degrees Fahrenheit (65.6 degrees Celsius).
  - j. Material in sufficient amounts which may cause or does cause excessive coloration or light absorbency including, but not limited to, dye wastes and vegetable tanning solutions.
  - k. An insoluble substance retained by a standard No. 8 sieve having any dimension greater than one-half inch (1.27cm).
  - l. Insoluble substances having a specific gravity greater than 2.65.
  - m. Improperly shredded garbage.
  - n. Sludge which results from a treatment process; unless the county director has determined that it is amenable to treatment by the

POTW without application of unusual means or expense. Septic tank sludge will be accepted from licensed operators when delivered to designated disposal sites.

- o. Any stormwater, surface water, ground water, roof runoff, footing drainage or noncontact cooling waters.
- p. The following toxic pollutants:
  - 1. Those pollutants listed pursuant to Section 307(a)(1) of the act;
  - 2. Those pollutants listed on the current critical materials register prepared pursuant to section 3211 of the Natural Resources and Environmental Protection Act (MCL 324.3211); and
  - 3. Those pollutants specifically identified by the city as a toxic pollutant by amendment to this article.

(Code 1975, § 24-99)

#### **Sec. 94-223. Future conditions.**

Future conditions imposed on the county by jurisdictional government agencies may require subsequent amendment of this article by the city. Where federal or state promulgated pretreatment standards require limits on parameters not covered in this article or limits more stringent than those specified in the article, the state or federal limits shall have precedence and take effect with respect to the applicable user on the later of:

- (1) Their promulgation date; or
- (2) The date specified for compliance with such standards (see subdivision VII of this division).

(Code 1975, § 24-100)

#### **Sec. 94-224. Wastewater analyses.**

- (a) All the preceding specific conditions and quantities shall apply at the point where sewage is discharged or caused to be discharged into a public sewer or the POTW (whichever is reached first) and required pretreatment shall be effected before such point is reached.
- (b) All measurements, tests and analyses of the characteristics of sewage to which reference is made in this article shall be determined in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, most current American Society for Testing Materials (ASTM) and EPA-approved procedures contained in 40 CFR, Part 136, or any validated methods from a recognized authority in cases where the above referenced procedures are not available or do not apply to the characteristic involved.
- (c) Sampling shall be carried out by customarily accepted methods to reflect the

effect of constituents upon the collection system and the POTW and to determine potential interference. The county will determine the method of sampling to be used in accordance with applicable federal regulations.

(Code 1975, § 24-101)

**Sec. 94-225. Restrictions.**

- (a) If any sewage (or water described in subsection 94-222(6)o.) is discharged, or is proposed for discharge to the public sewers or the POTW which exceeds the limitations enumerated in sections 94-222 and 94-223, the city may, by order, take the following actions:
  - (1) Prohibit the discharge to the public sewer;
  - (2) Temporarily permit the discharge to the public sewer subject to any reasonable conditions that the city may recommend based on its review of such factors as quantity of the discharge in relation to flows and velocities in the sewers, materials of construction of sewers, nature of the treatment process, capacity of the treatment works, degree of treatability of the discharge, and any other pertinent factors;
  - (3) Require pretreatment, in accordance with subdivision VIII of this division;
  - (4) Require control over the quality, quantities and rates of discharge to the public sewer; or
  - (5) In all cases, the city may require payment to cover any additional costs it may incur in connection with inspecting, sampling, testing and determining the treatability of the sewage, not covered by existing charges and any industrial surveillance fee.
- (b) When the pretreatment of sewage or flow equalization is required under subsection (a)(3) of this section, the design of the equipment shall be subject to the review by the county and the city and subject to the requirements of all applicable codes, ordinances and laws. Where sewage pretreatment or flow equalization facilities are provided, they shall be continuously maintained for satisfactory and effective operation by the user at its expense, in order to meet applicable pretreatment requirements.

(Code 1975, § 24-102)

Secs. 94-226--94-240. Reserved.

**Subdivision III. Authority of Inspectors and Protection of Owners**

**Sec. 94-241. Authority generally.**

- (a) Authorized representatives of the county or the city exhibiting proper credentials and identification shall be permitted at all reasonable times to enter all user's properties and the property of municipalities for the purposes of inspection, observation, measurement, sampling and testing in connection with the administration of and in accordance with the provisions of these regulations. The



representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewer.

- (b) Authorized representatives of the county or the city exhibiting proper credentials and identification shall be permitted to enter all private properties through which the county or the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the public sewer or POTW lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Code 1975, § 24-103)

#### **Sec. 94-242. Protection.**

While on the property of the user specified in section 94-241, the authorized representatives of the county or the city shall observe all reasonable safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the county or city employees and the county or city shall further indemnify the user against loss or damage to its property by county or city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of such activity except to the extent caused by negligent failure of the user to maintain safe conditions.

(Code 1975, § 24-104)

#### **Sec. 94-243. Other inspections.**

Inspection by state or federal representatives pursuant to law shall not relieve a user from inspection by county or city representatives and inspection by the county or city representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.

(Code 1975, § 24-105)

Secs. 94-244--94-260. Reserved.

### **Subdivision IV. Monitoring and Sampling**

#### **Sec. 94-261. Sampling devices.**

The county director or the city may require the user to install a suitable control structure and necessary measuring and sampling devices to facilitate the observation, sampling and measurement of the quantity, composition and concentrations of discharges to the public sewer. Such structure and devices shall be constructed and installed at the user's expense in accordance with plans submitted to the county director or to the city, and shall be maintained by the user so as to be safe and accessible during all reasonable times.

(Code 1975, § 24-106)

**Sec. 94-262. Removal of samples and data.**

The county director or his authorized representative or the city shall have the right to take and remove samples of sewage discharged into the public sewer and make copies of other data and materials concerning the samples inspected during an entry upon the user's property. At the written request of such user, split samples will be provided.

(Code 1975, § 24-107)

**Sec. 94-263. Authority to require submission of samples.**

The county director or the city may require any user to submit one or more representative samples of the sewage discharged or which it proposes to discharge into the public sewer.

(Code 1975, § 24-108)

**Sec. 94-264. Failure to permit access or removal of samples and other data.**

If a user shall refuse to permit access to an authorized county or city representative or permit such representative to obtain, take and remove samples and make copies of other data pursuant to section 94-262, the county or city shall have the right to:

- (1) Order the termination of the discharge of sewage to the public sewer.
- (2) Order the user to permit access within a time certain.
- (3) Issue a citation for a violation of this article.

(Code 1975, § 24-109)

**Sec. 94-265. New installation or pretreatment facilities.**

- (a) *Notices.* The user or its authorized agent shall notify the county director and the city in writing after the completion of a new installation of pretreatment facilities of the time it intends to commence operation thereof. Where applicable, the user shall notify the county director and the city of the agreed upon time and the person who will conduct the tests required to be performed. Where applicable, the pretreatment facilities shall not be placed in regular operation until such tests have been conducted.
- (b) *Tests by users.* A representative of the county or the city shall be permitted to witness the tests upon prior written request. The cost of tests shall be paid by the user of the installation.

(Code 1975, § 24-110)

Secs. 94-266--94-280. Reserved.

## **Subdivision V. Reporting**

### **Sec. 94-281. Industrial surveillance report required.**

The county director or the city, by written order, may require any nondomestic user of the public sewer to submit periodic reports on forms provided by the county or the city which shall include known information on the quality and quantity of sewage introduced into the public sewer, together with an inventory of known intermediate end product and byproduct chemicals present or likely to be present in sewage discharged or to be discharged to the public sewers. Such report shall include the volume, loadings and concentration of constituents, and be related to effluent standards as shall be required by the county director or the city. The county director or the city may also require additional information from such users as to materials or substances which may cause interference.

- (1) *Mandatory report.* The county director or the city shall notify forthwith each major user known to discharge organic chemicals and metals into the public sewer that it is required to file industrial surveillance reports.
- (2) *Initial report.* Each nondomestic user which has been notified of its obligation to file industrial surveillance reports shall file an initial report within 60 days from the date such notice is served upon such user.
- (3) *Monthly reports.* Each nondomestic user so notified by the county director or the city, may be required to file monthly reports within 15 days from the last day of the preceding month.
- (4) *Quarterly reports.* Each user required to submit quarterly reports shall submit such reports on January 31, April 30, July 31, and October 31 of each year for the quarter ending on the last day of the preceding month, following the adoption of these regulations.
- (5) *Annual reports.* Annual reports shall be submitted on or before April 1 of each year, for the preceding calendar year, commencing in 1981.
- (6) *Signature on reports.* The reports referred to in this division shall be signed by an authorized representative designated by the nondomestic user. An authorized representative may be:
  - a. If a corporation, a principal executive officer of at least the level of vice-president;
  - b. If a partnership or proprietor, a general partner or the sole proprietor; or
  - c. In any case, a person responsible for the overall operation of the facility from which the discharge originates.

(Code 1975, § 24-111)

### **Sec. 94-282. Waivers.**

After filing the initial report required pursuant to these regulations, the county director or the city may waive other periodic reports, provided, however that if the character, nature or general composition of the discharge from the nondomestic user is

substantially altered or changed from that contained in the original report, such user shall notify the county director or the city of such change prior to such discharge or as soon as reasonably possible after becoming aware that such alteration or change has occurred or is likely to occur and file a revised report, containing all of the information set forth in section 94-281.

(Code 1975, § 24-112)

**Sec. 94-283. Emergency or accidental discharges.**

All nondomestic users shall report to the county director and the city, as soon as reasonably possible, any discharges of sewage which are known to exceed the limits established by these regulations.

- (1) *Notice.* Such notice shall be given in advance whenever reasonably possible and contain available information regarding the intended or accidental discharge, volume, duration, constituents, loading and concentrations and such other information as may be necessary to determine whether such discharge is compatible, incompatible, is prohibited, or may cause interference.
- (2) *Emergency contact points.* The following are the emergency contact points which may be used to convey such information:

TABLE INSET:

Pollution emergenc y alerting system (PEAS)	1-800- 292-4702
County director	853-2291
County "C" station	722-6575
MDNR (PEAS)	1-517- 373-7660

(Code 1975, § 24-113)

**Sec. 94-284. Reports by the county director re users affected by FCPS.**

The county director shall notify all nondomestic users that might be subject to FCPS of such fact and of any applicable requirements under 204(b) and 405 of the act and Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act.

(Code 1975, § 24-114)

**Sec. 94-285. Reports by users re FCPS.**

Within 180 days after the promulgation of a FCPS, existing nondomestic users subject to such FCPS which currently discharge or are scheduled to discharge into the public sewer or the POTW shall submit reports required by 40 CFR 403.12(b), as amended. Within 90 days following the date for final compliance with applicable FCPS

or, in the case of a new source, following commencement of the introduction of sewage into the POTW, any nondomestic user subject to FCPS shall submit the reports required by 40 CFR 403.12(d), as amended. In addition, any nondomestic user subject to a FCPS, after the compliance date of such FCPS, or, in the case of a new source, after commencement of the discharge into the public sewer or POTW, shall submit the periodic reports required by 40 CFR 403.12(e), as amended.

(Code 1975, § 24-115)

**Sec. 94-286. Reports by DPW board re FCPS.**

The DPW board shall submit the reports required by 40 CFR 403.12(h), (i) and (j), as amended.

(Code 1975, § 24-116)

**Sec. 94-287. Records re FCPS.**

- (a) *Maintenance of records re FCPS.* Any nondomestic user and the DPW board, subject to the reporting requirements in sections 94-285 and 94-286, shall maintain records of all information in accordance with and resulting from any monitoring required by 40 CFR 403.12, as amended. Such records shall be retained by such user or the DPW board, as the case may be, for at least three years.
- (b) *Falsification of records re FCPS.* Any person who knowingly makes any false statement, representation or certification on any application, record, report, plan or other document filed with the county director, or the city, or who falsifies or knowingly renders inaccurate any monitoring device or method required under these regulations shall be deemed to have violated these regulations.

(Code 1975, § 24-117)

Secs. 94-288--94-305. Reserved.

**Subdivision VI. Administrative Organization\***

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\***Cross reference(s)**--Administration, ch. 2.

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**Sec. 94-306. Enforcement agency.**

The city is charged with the duty of investigating, preventing and abating violations of these regulations and enforcing the provisions of this article. The responsibility for the enforcement shall of this article be upon the county in accordance with the terms of an intergovernmental contract transferring such enforcement functions to the county.

(Code 1975, § 24-118)

**Sec. 94-307. Powers of the county.**

The county, pursuant to the contract referred to in section 94-306, is hereby empowered to:

- (1) Supervise the implementation of this article.
- (2) Institute actions against all users violating this article and institute necessary legal proceedings to prosecute violations of this article and compel the prevention and abatement of violations of this article or nuisances arising therefrom.
- (3) Review the plans for pretreatment equipment submitted by users.
- (4) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered pretreatment equipment to determine compliance with the provisions of this article.
- (5) Investigate complaints of violations of this article and make inspections and observations of discharges. Record such investigations, complaints, inspections and observations.
- (6) Issue orders requiring compliance with these regulations.
- (7) Propose the imposition of civil penalties for violations of this article.
- (8) Determine surcharges to be levied pursuant to this article.
- (9) Make recommendations to the city for amendments to this article.
- (10) Encourage voluntary cooperation by persons or affected groups in water pollution control.
- (11) Collect and disseminate information on water pollution control.
- (12) Work with planning and zoning agencies for the purpose of coordinating activities under provisions of this article and foster the best possible management of the water resources of the city.
- (13) Cooperate with federal, interstate, state, county, district, municipal and other agencies concerned with water pollution with regard to studies, abatement programs, public complaints and other matters to the end that the natural resources of the city shall be best conserved and improved.
- (14) Subject to applicable law and in accordance with such intergovernmental contract, accept, receive and give receipt for monies granted or made available by federal or state law for water pollution activities, surveys, investigations, research, or programs.
- (15) Recommend the institution of proceedings in a court of competent jurisdiction to compel compliance with the provisions of this article or any determination or order which may be promulgated or issued pursuant to this article.

(Code 1975, § 24-119)

Secs. 94-308--94-325. Reserved.

## **Subdivision VII. Orders**

**Sec. 94-326. General.**

Whenever the city has determined that any user has violated this article the city may issue an order to take action deemed appropriate under the circumstances.

(Code 1975, § 24-120)

**Sec. 94-327. Types of orders.**

The following orders may be issued by the city:

- (1) *Immediate cease and desist.* An order to cease and desist from discharging any sewage or an illegal discharge with immediate effect in the case of actual or threatened discharge of pollutants to the public sewer which presents or may present imminent or substantial endangerment to the health or welfare of persons, to the environment or causes interference with the operation of the public sewers or POTW. Such order shall be in effect until a hearing is conducted pursuant to subdivision XIII of this division. Such order shall contain a date and time for such hearing, as soon as reasonably possible, but not to exceed ten days from the date of such order.
- (2) *Order to cease discharge within a time certain.* The city may issue an order to show cause why an order to cease discharge of an incompatible pollutant by a certain time and date, in cases other than those defined in subsection (1) of this section, should not be issued. The proposed time for remedial action shall be specified in the order to show cause. Such order may also contain such conditions deemed appropriate by the city.
- (3) *Order to effect pretreatment.* The city may issue an order to show cause why a user should not be required to pretreat in accordance with subdivision VIII of this division. A user shall not, however, be ordered to pretreat where a compatible pollutant is discharged which the public sewer has the capability to carry or treat adequately. (See comment to 40 CFR 403.5c in 44 Federal Register 62266.)
- (4) *Order to perform affirmative actions.* The city may also issue an order to users subject to this subdivision to require such user to perform any action required of it under this subdivision, including, but not limited to the following:
  - a. Submit samples.
  - b. Install sampling or monitoring equipment.
  - c. Submit reports.
  - d. Permit access for inspection, sampling, tests, monitoring and investigations.

(Code 1975, § 24-121)

**Sec. 94-328. Contents of orders.**

Any order issued by the city shall contain the facts and reasons and grounds for

its issuance, and the remedial action ordered as well as the time within which such action shall be taken. No such order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and reasons and grounds for the order. If any user deems the content of the order to contain insufficient information, it may request the city for additional information.

(Code 1975, § 24-121.1)

**Sec. 94-329. Factors beyond reasonable control.**

If any noncompliance with any order is due to factors beyond the reasonable control of the user then such noncompliance shall not be a violation of such order and such order shall be modified to take account of such factors.

(Code 1975, § 24-121.2)

Secs. 94-330--94-345. Reserved.

**Subdivision VIII. Pretreatment**

**Sec. 94-346. General standards.**

- (a) In the event a user discharges or proposes to discharge sewage to the public sewers which is prohibited by this article, the city may take any or all of the following steps:
  - (1) Issue an order pursuant to subdivision VII of this division.
  - (2) Impose surcharges as specified in subdivision X of this division.
- (b) The obligations of a user under sections 94-347 and 94-348, and any order concerning such obligations, shall be subject to the terms of section 94-349.

(Code 1975, § 24-121.3)

**Sec. 94-347. Pretreatment plan.**

Any user subject to a final order to pretreat shall prepare a plan to effect and achieve the pretreatment of its sewage so that the sewage shall comply with its final order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary as well as identify the measures which may be implemented without necessitating construction. The plan shall contain a schedule of compliance for the completion of each of the various phases necessary to implement full pretreatment, which schedule shall be approved by an order of the city.

(Code 1975, § 24-121.4)

**Sec. 94-348. Compliance.**

- (a) *Schedule of compliance.* The schedule of compliance shall consist of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with an effluent standard, or other limitation prohibition or standard.



- (b) *Steps or phases.* The following steps or phases shall be included in the schedule of compliance, where applicable and appropriate:
- (1) Retention of a qualified engineer and/or consultant.
  - (2) Obtain any engineering or scientific investigations or surveys deemed necessary.
  - (3) Preparation and submission of a preliminary plan to achieve pretreatment.
  - (4) Preparation of plans and specifications, working drawings or other engineering or architectural documents which may be necessary to effect pretreatment.
  - (5) A time shall be established to let any contract necessary for any construction.
  - (6) Completion times shall be established for any construction necessary.
  - (7) A time limit shall be established to complete full pretreatment pursuant to the final order.
  - (8) If a phase or unit of construction or implementation may be effected independently of another phase or unit, separate timetables shall be established for such phase or unit.
- (c) *Amendment.* The order shall be subject to amendment, change or revocation, provided notice of such action shall be served upon the user in the same manner as in the original order and subject to the same procedure for review and appeal.
- (d) *Modification.* In the event a nondomestic user subject to an order anticipates that it will be unable to comply with the schedule of compliance, or any portion thereof, for the completion of a specific step or phase, such nondomestic user shall notify the city as soon as it determines it is unable to comply. Such nondomestic user shall state the reasons therefor and submit a request for an extension of time or modification or amendment of such order together with supporting documents or data. If the user's inability to comply is due to factors beyond the reasonable control of the user, then the failure to comply shall not be a violation of the order and the schedule of compliance shall be adjusted forward in time to account for such factors.

(Code 1975, § 24-121.5)

**Sec. 94-349. Federal categorical pretreatment standards (FCPS).**

- (a) *Inclusion in standard.* If a FCPS is promulgated for a subcategory under which a user believes itself to be included the user or the city may request, within 30 days after the promulgation date, of the appropriate state or federal official a written certification to the effect that the user does or does not fall within that particular subcategory. Such request shall be made and reviewed in accordance with the procedures set forth in 40 CFR 403.6(a), as amended.
- (b) *Compliance date.* A user to which a promulgated FCPS applies shall achieve compliance with such standard within the time period provided for in 40 CFR 403.6(b), as amended and 40 CFR 403.7, whichever is later.

(c) *Revision of FCPS for consistent removal.*

- (1) *Revision generally.* The city may, on its own, and will, if requested by a user, revise discharge limits for specific pollutants covered in a FCPS consistent with 40 CFR 403.7, as amended, and consistent with these regulations. Such revision shall not apply if the requirements of 40 CFR 403.7 for such revision cannot be met or the discharge pursuant to such revision would cause interference.
- (2) *Conditional revision.* Whether or not the city has a pretreatment program approved in accordance with 40 CFR 403.8, 403.9 and 403.11, as amended, the city may, on its own, and will, if requested by a user, conditionally revise the discharge limits for specific pollutants consistent with 40 CFR 403.7, as amended, and consistent with this article. Such revision shall not apply if the requirements of 40 CFR 403.7 for such revision cannot be met or the discharge pursuant to such revision would cause interference.
- (3) *Provisional revision.* With respect to pollutants which are not currently being discharged and whether or not the city has a pretreatment program approved in accordance with 40 CFR 403.8, 403.9 and 403.11, as amended, the city may, on its own, and will, if requested by a user, provisionally revise the applicable FCPS prior to initial discharge of the pollutant consistent with 40 CFR 403.7, as amended, and consistent with this article. Such revision shall not apply if the requirements of 40 CFR 403.7 for such revision cannot be met or the discharge pursuant to such revision would cause interference.
- (4) *Information and costs.* In connection with any revision described in subsection (c) of this section, the city, in accordance with section 94-348, shall prepare and submit such data, reports, certifications, pretreatment programs and other information and shall establish such compliance schedules with users as are required by 40 CFR 403, as amended, to support the revisions described in subsection (c) of this section. Any user with respect to whom such revisions are made shall accept compliance schedules established in accordance with section 94-348 by the city and shall submit to the city such data, reports and other information required to be submitted by the user to the city or accepted by the user by 40 CFR 403, as amended, to support such revisions. If the request for such revision was initiated by the user or a category of users then such user or users shall reimburse the city for the reasonable costs incurred and expenditures made by the city in connection with the provisions of this subsection (a)(4) (exclusive of the pretreatment program). Such costs and expenditures shall not include amounts expended by the city in connection with such data, reports, certifications and other information which are required by subdivisions III, IV and V of this division, the county's NPDES permits, or under any applicable law or regulation whether or not such revision is made. The city may request a deposit from such user or users to cover the estimated costs. Nothing shall prevent a user from voluntarily providing additional information, reimbursements and support to the city in connection with any revision.

(d) *Variance.* Any user, interested person or the United States Environmental

Protection Agency ("requestor") may request a variance (based upon fundamentally different factors) from the limits specified in a FCPS by submitting a written request to the state director. Such requests are to be submitted within the time and shall include the information required by 40 CFR 403.13, as amended. If a variance is granted then the terms of such variance shall apply to the affected user.

- (e) *Notice to municipality.* In the event a revision is made or applied for or a variance request is made, the city, in the case of a revision, and the requestor, in the case of a variance shall notify the city that the revision has been made or applied for or that a variance request has been made and the proposed effective date thereof, where applicable.
- (f) *Public participation.* In compliance with the public participation requirements of 40 CFR, Part 25, in the enforcement of national pretreatment standards as specified in 40 CFR 403.8, the county director or the city shall provide public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of the industrial users which during the previous 12 months were significantly violating applicable pretreatment standards or other pretreatment requirements. For the purpose of this subsection, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance (i) which is a part of a pattern of noncompliance over a 12-month period; or (ii) which involves a failure to report accurately noncompliance; or (iii) which resulted in the POTW exercising its emergency authority under 40 CFR 403.8(F)(1)(IV)(B).

(Code 1975, § 24-121.6)

Secs. 94-350--94-365. Reserved.

## **Subdivision IX. Accident Prevention**

### **Sec. 94-366. Containment facilities.**

Each nondomestic user that uses or stores liquid material on its facilities shall provide a storage or use area on its facilities which is capable of containing the liquid material so that, in the event of an accident, liquid material cannot escape therefrom by gravity through private sewers or otherwise into any public sewer in an amount which would result in a prohibited discharge. The city may issue an order to such a user to comply with this section and to first submit plans for compliance to the city.

(Code 1975, § 24-121.7)

### **Sec. 94-367. Order to file.**

Each nondomestic user so ordered shall submit its plan for compliance within the time specified in such order.

(Code 1975, § 24-121.8)

### **Sec. 94-368. Approval of plan.**

The timetable for implementation shall be subject to the approval of the city.  
(Code 1975, § 24-121.9)

**Sec. 94-369. Construction.**

The containment measures shall be operational within such reasonable period of time as the city shall order.  
(Code 1975, § 24-121.10)

**Sec. 94-370. Interim measures.**

The city may order the nondomestic user to take reasonable and feasible interim measures for emergency containment if circumstances so require.  
(Code 1975, § 24-121.11)

**Sec. 94-371. Water resources commission rules.**

In no event shall a nondomestic user be required by city order issued under section 94-366 to provide facilities which are more extensive or inconsistent with facilities such user has provided or will provide in compliance with the WRC rules where applicable.  
(Code 1975, § 24-121.12)

Secs. 94-372--94-390. Reserved.

**Subdivision X. Surcharges**

**Sec. 94-391. Surcharges.**

Users exceeding:

- (1) The limitations established by subsections 94-222(1) through (5); or
- (2) The specific criteria limitations identified in subsection 94-222(6), or the limits contained in an applicable pretreatment order issued pursuant to this article, to an extent which would require additional cost of treatment by the POTW in order to prevent:
  - a. Interference (present or future);
  - b. A substantial detrimental effect upon the public health or welfare, a substantial detrimental effect upon the environment, or a substantial detrimental effect upon the physical structure of the public sewer or the POTW;

shall be subject to the imposition of one or more surcharges as provided by this subdivision.

(Code 1975, § 24-121.13)

**Sec. 94-392. Applicability.**

Any such user shall be liable for the imposition of a surcharge to reimburse the county or city for any incremental costs or expenses (direct or indirect) it may incur in handling or treating such wastes (or which may be imposed upon the county or the city) as a result of exceeding such limits.

(Code 1975, § 24-121.14)

**Sec. 94-393. Determination.**

The city or county shall calculate the amount of the surcharge to be assessed against such user.

(Code 1975, § 24-121.15)

**Sec. 94-394. Criteria.**

The amount of the surcharge may be based upon and include the following:

- (1) The volume of the discharge;
- (2) The length of time such discharge occurred;
- (3) The composition of such discharge;
- (4) The nature, extent and degree of success the city may achieve in minimizing or mitigating the effect of such discharge;
- (5) The toxicity, degradability, treatability and dispersal characteristics of such discharges;
- (6) Schedule A set forth in this section; and
- (7) Such other factors as the city or county deems appropriate under the circumstances.

**SCHEDULE A**

*Surcharge--BOD.* Surcharge provisions for five-day biochemical oxygen demand are hereby established. A user within the city may discharge wastewaters containing BOD concentrations in excess of 250 mg/l but not to exceed 400 mg/l into the system under the following provisions:

- (1) The number of pounds of BOD in excess of 250 mg/l will be calculated by the following equation:  $BOD = Q \times 8.345 (Y-250)$ . In this equation, Q is the total million gallons of wastewater discharged during the billing period by the user and Y is the average BOD concentration of the wastewater of the user during the billing period.
- (2) The surcharge to the user or such party shall be set at a rate calculated to offset the potential or actual extent of interference to the collection system or the POTW.

*Surcharge--Suspended solids.* Surcharge provisions for suspended solids (SS)

are hereby established. The user may discharge wastewaters containing suspended solids concentrations in excess of 250 mg/l but not to exceed 750 mg/l into the public sewer under the following provisions:

- (1) The number of pounds of suspended solids in excess of 250 mg/l will be calculated by the following equation:  $SS = Q \times 8.345 (M - 250)$ . In this equation, Q is the total million gallons of wastewater discharged during the billing period by the user or such party and M is the average SS concentration of the wastewater of the user or such party during the billing period.
- (2) The surcharge to the user or such party shall be set at a rate calculated to offset the potential or actual extent of interference to the collection system or the POTW.

(Code 1975, § 24-121.16)

Secs. 94-395--94-410. Reserved.

## **Subdivision XI. Transition and Exemption**

### **Sec. 94-411. Authorized current discharges.**

Nondomestic users with respect to whom there exists authorization to discharge sewage within parameters specified for that particular user (whether by service agreement, permit, letter authorization or otherwise) which authorization existed prior to the effective date of the ordinance from which this article is derived shall continue to have such authority until the earlier date that:

- (1) Such authority is renewed or confirmed by the city; or
- (2) Such authority is modified or revoked by order of the city pursuant to and consistent with this article.

(Code 1975, § 24-121.17)

### **Sec. 94-412. Exemptions.**

- (a) To the extent there is no conflict with an applicable state or federal statute or promulgated rule the city may issue an exemption order to a user with respect to:
  - (1) Effluent standards, effluent limitation, effluent criteria contained in this article.
  - (2) Any other requirement of these regulations applicable to the user.
- (b) In granting an exemption order the city may:
  - (1) Establish a new or modified standard, limitation, criteria or requirement in the exemption order.
  - (2) Not authorize a discharge which will result in interference.
  - (3) As the sole or partial function of the order, determine that a discharge which exceeds one or more of the numerical limitations and criteria in

subsection 94-222(6) does not cause interference.

(Code 1975, § 24-121.19)

**Sec. 94-413. Conditions precedent to grant or denial.**

The city shall not grant a variance or exemption unless such variance or exemption shall have first been granted by the county in accordance with any applicable county ordinances or regulations. Denial by the city of any application for variance or exemption shall be in writing, stating the reasons therefor, and served not more than five days following such denial upon the applicant and the county.

(Code 1975, § 24-121.20)

Secs. 94-414--94-430. Reserved.

**Subdivision XII. Enforcement and Procedure**

**Sec. 94-431. Citation.**

The city shall issue a citation with or without an order against any user deemed to be in violation of this article and determine the penalty, if any, to be imposed.

(Code 1975, § 24-121.21)

**Sec. 94-432. Service.**

The citation shall be served upon each user either by personal delivery or by certified mail addressed to such user.

(Code 1975, § 24-121.22)

**Sec. 94-433. Content of citation.**

The citation shall specify the following:

- (1) Date and time of issuance.
- (2) Date, time and place of violation, the nature of the violation, the substances discharged, where ascertainable, and the volume of such discharge, where applicable.
- (3) Reference to the pertinent section of the article under which the violation is charged.
- (4) Reference to the pertinent section of the article establishing penalties for the violation.
- (5) The amount of the penalty, if any.
- (6) The right of the alleged violator to present to the city, written explanations, information, or other materials in answer to the citation, including any defenses.
- (7) The right to request an informal and formal hearing on the violation within

the time limits specified in subdivision XIII of this division.

(Code 1975, § 24-121.23)

Secs. 94-434--94-450. Reserved.

### **Subdivision XIII. Administrative Appeals**

#### **Sec. 94-451. Scope.**

This subdivision governs appeals from all administrative citations, orders, surcharges, penalties, exemptions and variances.

#### **Sec. 94-452. Informal hearings.**

- (a) *Right to hearing.* An informal hearing may be requested by any user, deeming itself aggrieved by any citation, order, surcharge, penalty or action on exemptions and variances before the city by requesting an informal hearing within ten days after the citation, order, penalty or other action has been served upon such user.
- (b) *Time.* The informal hearing shall be promptly scheduled at the earliest practicable date, but which shall not exceed five days after receipt of the request unless extended by mutual written agreement.
- (c) *Nature.* The hearing shall be conducted on an informal basis without recording or transcribing of the hearing.

(Code 1975, § 24-121.24)

#### **Sec. 94-453. Formal hearings.**

- (a) *Right to hearing.* Any user deeming itself aggrieved by any citation, order, surcharge, penalty or other action shall have the right to a formal hearing on the city's action by filing a written demand for such hearing within a period of 20 days from the date service thereof is effected upon such user, unless extended by written mutual agreement.
- (b) *Content of request for hearing.* Such written request signed by such user or on behalf of such user by a duly authorized officer, agent or attorney to the city, shall:
  - (1) State the name and address of the user or contractee requesting the hearing.
  - (2) Have attached a copy of the citation, order, surcharge, penalty or action.
  - (3) State with particularity the defenses and issues to be raised by such person at the hearing, provided, however, additional defenses and issues may be raised at the hearing.
- (c) *Schedule for hearing.* A hearing shall be promptly scheduled at the earliest practicable time and date, but not to exceed 15 days from the date of receipt of the request unless otherwise extended by written agreement.



(Code 1975, § 24-121.25)

**Sec. 94-454. Finality of action.**

If an informal or formal hearing is not demanded within the periods specified in sections 94-452 and 94-453, such action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist orders issued pursuant to subsection 94-327(1).

(Code 1975, § 24-121.26)

Secs. 94-455--94-470. Reserved.

**Subdivision XIV. Procedure for Conduct of Hearing**

**Sec. 94-471. Compliance with procedures.**

Hearings on any notice, order, citation, surcharge or other action of the city shall be conducted under the procedure set forth in this subdivision.

**Sec. 94-472. Hearing board.**

- (a) *Designation of appeal board.* The city commission hereby designates the DPW board as the hearing board to schedule, hear and decide administrative appeals arising under this division.
- (b) *Powers.* A majority of the DPW board is hereby vested with the power, jurisdiction and authority to:
  - (1) Schedule, hear and decide appeals from any administrative determination made by the city.
  - (2) Schedule, hear and decide applications for extensions of time for compliance or for exemptions or variances in the manner set forth in this division.
- (c) *Proceedings.* The hearing board shall keep minutes of its proceedings and comply with the Open Meetings Act (MCL 15.261 et seq.) and shall electronically record or authorize stenographic recording of the proceedings.
- (d) *Conduct of proceedings.* The hearing board shall have the right to adopt reasonable rules and regulations governing the conduct of its hearings. Any person may appear and testify at a hearing and be represented by an authorized agent or attorney.

(Code 1975, § 24-121.27)

**Sec. 94-473. General procedures.**

- (a) *Hearing examiners.* The hearing board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise

all powers relating to the conduct of hearings until it is submitted by him to the hearing board for decision.

- (b) *Record.* A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the hearing board.
- (c) *Reporting.* The proceedings at the hearing shall also be reported by a stenographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment by the requesting party.
- (d) *Continuances.* The hearing board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by him for good cause shown so long as the matter remains before such examiner.
- (e) *Oaths; certification.* In any proceedings under this division, the hearing board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.
- (f) *Reasonable dispatch.* The hearing board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

(Code 1975, § 24-121.28)

#### **Sec. 94-474. Form of notice of hearing.**

The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before (the Board or name of hearing examiner) at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour upon the hearing requested by you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross examine all witnesses testifying against you. You may request the attendance of public witnesses and the production of books, documents or other things by filing a request therefor with (Board or name of hearing examiner)."

(Code 1975, § 24-121.29)

#### **Sec. 94-475. Conduct of hearing.**

- (a) *Rules.* Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation.
- (c) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

- (d) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- (e) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.
- (f) *Rights of parties.* Each party shall have these rights, among others, to:
  - (1) Call and examine witnesses on any matter relevant to the issues of the hearing;
  - (2) Introduce documentary and physical evidence;
  - (3) Cross examine opposing witnesses on any matter relevant to the issues of the hearing;
  - (4) Impeach any witness regardless of which party first called him to testify;
  - (5) Rebut the evidence against him;
  - (6) Represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (g) *Official notice.*
  - (1) *What may be noticed.* In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state.
  - (2) *Parties to be notified.* Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
  - (3) *Opportunity to refute.* Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the hearing board or hearing examiner.
  - (4) *Inspection of the premises.* The hearing board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the hearing board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the hearing board or hearing examiner.

(Code 1975, § 24-121.30)

**Sec. 94-476. Method and form of decision.**

- (a) *Hearing before hearing board* Where a contested case is heard before the hearing board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
- (b) *Hearing before examiner.* If a contested case is heard by a hearing examiner alone, the hearing examiner shall within a reasonable time (not to exceed 30 days from the date the hearing is closed) submit a written report to the hearing board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations subject to subdivision XVI on confidentiality. The report also shall contain a proposed decision in such form that it may be adopted by the hearing board as its decision in the case. All examiner's reports filed with the hearing board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the hearing board.
- (c) *Consideration of report by hearing board; notice.* The hearing board shall fix a time, date and place to consider the hearing examiner's report and proposed decision, within 15 days from the filing thereof. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.
- (d) *Exceptions to report.* Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the hearing board, any party may present oral argument to the hearing board.
- (e) *Disposition by the hearing board.* The hearing board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.
- (f) *Proposed decision not adopted.* If the proposed decision is not adopted by the hearing board as provided in subsection (e) of this section, the hearing board may decide the case upon the entire record before it, with or without taking additional evidence; or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the hearing examiner shall prepare a report and proposed decision as provided in subsection (b) of this section after any additional evidence is submitted. Consideration of such proposed decision by the hearing board shall comply with the provisions of this section.
- (g) *Form of decision.* The decision of the hearing board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered personally or sent by certified mail, postage prepaid, return receipt requested, to the appellant.
- (h) *Effective date of decision.* The effective date of the decision shall be as stated therein or pursuant to a stay order from a court of competent jurisdiction.

(Code 1975, § 24-121.31)

#### **Sec. 94-477. Judicial review.**

Appeals from the determinations of the hearing board may be made to the circuit

court for the county as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of 1969 (MCL 24.201 et seq.). All findings of fact, if supported by the evidence, made by the hearing board shall be conclusive upon the court.

(Code 1975, § 24-121.32)

Secs. 94-478--94-495. Reserved.

## **Subdivision XV. Penalties and Remedies**

### **Sec. 94-496. Criminal penalties.**

Any user, or person (other than an employee of a user while acting as an employee) knowingly violating any provision of this division or a final order shall be guilty of a misdemeanor.

(Code 1975, § 24-121.33)

### **Sec. 94-497. Continuing offense.**

Each and every day of any such violation shall constitute a separate and new offense and shall be punishable as such as provided in this subdivision.

(Code 1975, § 24-121.34)

### **Sec. 94-498. Surcharges.**

In addition to prosecution and the imposition of civil penalties for violating this division, a user or contractee violating the regulations established by or pursuant to this division shall be subject to one or more surcharges in accordance with subdivision X of this division.

(Code 1975, § 24-121.35)

### **Sec. 94-499. Civil penalties.**

Any user violating this division may also be subject to a penalty to be initially determined and assessed by the city not to exceed \$500.00 per day, subject to appeal to the hearing board and circuit court. The hearing board may also adopt and publish a schedule of monetary civil penalties for various types of violations of this article. No such penalty shall be imposed where the violation was not caused by such user.

(Code 1975, § 24-121.36)

### **Sec. 94-500. Violation constitutes a public nuisance.**

Violations of this division are hereby declared to constitute a public nuisance.

(Code 1975, § 24-121.37)

### **Sec. 94-501. Civil injunctive relief.**

The city is hereby empowered to institute legal proceedings for the abatement of any nuisance including injunctive actions or other remedies, including damages.

(Code 1975, § 24-121.38)

**Sec. 94-502. Prima facie presumption.**

There shall be a prima facie presumption that the owner or occupant, if not owner-occupied, of the premises upon or from which a violation of this division is determined to exist, that such owner or occupant had knowledge of the unauthorized discharge or other violation. Such presumption shall be rebuttable by competent evidence showing the absence of such knowledge if actual or constructive knowledge is a necessary element of the proof of such violation.

(Code 1975, § 24-121.39)

Secs. 94-503--94-520. Reserved.

**Subdivision XVI. Confidentiality**

**Sec. 94-521. Confidential information.**

All information and data submitted to the city by the user or obtained by the city through inspections and monitoring shall be protected by and held by the city as confidential if it relates to trade secrets or is information which, if disclosed, would tend to injure the competitive position of the user. The following data is not entitled to confidential treatment:

- (1) Data which directly expresses effluent characteristics at or after a point of discharge to the public sewer or the POTW.
- (2) Data which has previously been disclosed to the public generally.

(Code 1975, § 24-121.40)

**Sec. 94-522. Request for confidentiality.**

With respect to information and data submitted to the city by the user, the user must submit a cover sheet, or indicate on individual sheets, that such information is to be held as confidential information, in order for the information and data to be entitled to confidential treatment.

(Code 1975, § 24-121.41)

**Sec. 94-523. Request for release of confidentiality.**

If any person or governmental agency requests from the city information or data which is to be treated confidentially or is marked "confidential" pursuant to sections 94-521 and 94-522, the city shall notify the user before any release of such information and data. The user may agree to or object to the release of all or part of the requested information and data. If the user objects and the requesting person or agency continues its request then the information and data at issue shall not be released by the city

without an order of a court of competent jurisdiction.

(Code 1975, § 24-121.42)

Secs. 94-524--94-540. Reserved.

## **Subdivision XVII. Upsets and Net/Gross**

### **Sec. 94-541. Upset liability.**

In the event of an upset the user shall not be liable for the fines, imprisonment or civil penalties provided for in this division. An upset shall mean a noncompliance with this division which is unintentional and temporary and is caused by factors beyond the reasonable control of the user.

(Code 1975, § 24-121.43)

### **Sec. 94-542. Upsets and FCPS.**

To the extent an upset involves a FCPS the provisions of 40 CFR 403.16, as amended, shall be met in order for the fines, imprisonment and civil penalties of this division not to apply and in order for the upset to constitute an affirmative defense as provided in 40 CFR 403.16, as amended.

(Code 1975, § 24-121.44)

### **Sec. 94-543. Net/gross and FCPS.**

A user may apply to the United States Environmental Protection Agency for an adjustment in a FCPS to reflect the presence of pollutants in the user's intake water in accordance with 40 CFR 403.15, as amended. If such an adjustment is made the adjusted FCPS shall apply, provided the adjustment does not result in interference.

(Code 1975, § 24-121.45)

Secs. 94-544--94-560. Reserved.

## **DIVISION 5. RATES AND CHARGES**

### **Sec. 94-561. Definition.**

In this division, the term "system" shall be as defined in division 4 of this article.

(Code 1975, § 24-122)

**Cross reference(s)**--Definitions generally, § 1-2.

### **Sec. 94-562. Rates and charges generally.**

All premises connected directly or indirectly to the sanitary sewers of the city shall be charged rates for connection, service, readiness to serve, and miscellaneous fees in connection with service, and shall make payments to the city in the amounts and

upon schedules computed and determined by the city commission in a fee and rate schedule adopted by resolution. Charges shall be based upon the actual flow, measured by water service where available, or as established by the city commission based upon reasonable standards.

(Code 1975, § 24-125)

**Sec. 94-563. User charge for sewer service.**

- (a) Rates and charges for the use of the wastewater system of the city are established by this section and made against each lot, parcel, of land or premises which may have direct or indirect connections to the system or which may otherwise discharge wastewater either directly or indirectly into the system.
- (b) The rates and charges hereby established shall be based upon a methodology which complies with applicable federal and state statutes and regulations. The amount of the rates and charges shall be sufficient to provide for debt service and for the expenses of operation, maintenance and replacement of the system as necessary to preserve the system in good repair and working order. The amount of the rates and charges shall be reviewed annually and revised when necessary to ensure system expenses are met and that all users pay their proportionate share of operation, maintenance and equipment replacement expenses.
- (c) The amount of such rates and charges and the intervals at which users of the wastewater system are billed shall be determined by resolution of the city commission.
- (d) The rates and charges for operation, maintenance and replacement established in this section shall be uniform within the area serviced by the city. No free service shall be allowed for any user of the wastewater system.
- (e) All customers of the wastewater system shall receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the wastewater disposal bill into its components for:
  - (1) Operation, maintenance and replacement; and
  - (2) Debt service.
- (f) Definitions: As used in this section:
  - (1) *Operation and maintenance* means all costs, direct and indirect, inclusive of all expenditures attributable to administration, replacement and treatment and collection of sewage or wastes, necessary to ensure adequate treatment and collection of sewage or wastes on a continuing basis in conformance with the NPDES permit, and other applicable regulations.
  - (2) *Replacement* means expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the system to maintain the capacity and performance for which the system was designed and constructed.

(Code 1975, § 24-123)



**Sec. 94-564. Sewer connection fee.**

- (a) Where an abutting or benefitted property has not been specifically assessed for any of the following services or installations, a connection fee shall be charged for new or upgraded service:
  - (1) Installation of a main sewer line, on a street abutting the property from which it will be served;
  - (2) Installation of connections of stub lines to main sewer lines.
- (b) The amount of sewer connection fees shall be determined by the city commission based upon all costs involved with the sewer system and shall be set forth in a schedule of rates and fees adopted by resolution of the city commission. Connection fees and estimates of actual costs where applicable for sewer service shall be paid in full seven days before installation begins.

(Code 1975, § 24-123.1)

**Sec. 94-565. Stub line installation fees.**

- (a) Stub line installation fees shall be charged to all property receiving sewer service in accordance with the schedule of rates and fees adopted by resolution of the city commission.
- (b) Stub line installation fees shall be charged where there has been installation of a stub, as above defined, from the sewer main to the property boundary in accordance with the resolution of fees and rates adopted by the city commission. Such stub line installation fees shall be charged where the owner of the property or an authorized representative has requested an upgrade of service, or an upgrade of service has been installed. The city in such cases reserves the right to determine whether a stub replacement is warranted before agreeing to install such stub replacement. Stub line installation fees will not be charged where an existing stub line is being replaced because of city work on the main or the streets.

(Code 1975, § 24-123.2)

**Sec. 94-566. Customer classification.**

The city commission shall classify all customers of the system according to a user class and each user class will pay for its proportionate uses of the sewage works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance, and debt retirement of the sewage works also for the treatment and control of the sewage. The classes of users of the sewage works, for the purpose of determining the user charge, shall be as follows:

- (1) *Class I--Residential* shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and who are defined as residential users.
- (2) *Class II--Commercial* shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and who are defined as commercial users, and shall also include institutional and governmental users.

- (3) *Class III--Industrial* shall include those customers which discharge industrial sewage and who are defined as industrial users. An industrial user, for the purpose of the industrial cost recovery system shall be a user as defined in this article, except that user which discharges less than 25,000 gallons per day of sanitary waste, if the discharge does not contain pollutants which interfere, or are incompatible, with the treatment process, or contaminate or reduce the utility of sludge.

(Code 1975, § 24-124)

**Sec. 94-567. Industrial users to pay share of operation, maintenance, replacement and depreciation costs plus amount for recovery of portion of federal grants.**

Each industrial user, as designated in section 94-566, shall pay their share of the operation, maintenance, replacement and depreciation costs for treatment of the industrial sewage, plus an amount that may be paid by industrial users for the recovery of the portion of federal grants allocable to the treatment of industrial sewage.

(Code 1975, § 24-124.1)

**Sec. 94-568. Industrial users discharging process wastewater not exceeding normal strength sewage to make quarterly payments to city based on actual volume and strength of flow.**

Each industrial sewer customer that discharges to the system process wastewater which does not exceed the limits of normal strength sewage shall be charged and shall make quarterly payments to the city in amounts based on the actual volume and strength of the flow from such premises.

(Code 1975, § 24-124.2)

**Sec. 94-569. Pretreatment or payment of surcharge required where industrial user exceeds limits of normal strength sewage.**

Each industrial user that proposes to discharge to the system process wastewater which exceeds the limits of normal strength sewage will be required to either:

- (1) Provide satisfactory pretreatment to reduce the strength of the wastewater to normal strength sewage; or
- (2) Pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to normal strength sewage.

(Code 1975, § 24-124.3)

**Sec. 94-570. Permit required to discharge wastewater exceeding normal strength sewage.**

Prior to discharging to the system process wastewater which exceeds the limits of normal strength sewage, a permit must be obtained from the city.

(Code 1975, § 24-124.4)

**Sec. 94-571. Exclusion of water used for sprinkling purposes in computing charge.**

Sewage disposal charges shall be based upon the average water consumed or used during the months of November to April inclusive, of each year, so as not to include in such charges water used or consumed for sprinkling purposes.

(Code 1975, § 24-125.3)

**Sec. 94-572. Additional charge for industrial waste.**

In cases where the character of sewage from a manufacturing or industrial plant, building or premises is such that an unreasonable additional burden is imposed upon the system, greater than that imposed by the average sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates set forth in this article, or the city may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the city before discharging such sewage into the sewage disposal system.

(Code 1975, § 24-126)

**Sec. 94-573. Additional charge for service outside city.**

Any user of any sewer or sewer service located outside of the corporate limits of the city who has a connection with the sewage disposal system of the city shall pay for such service such additional rate to that charged to users within the corporation limits of the city as the city commission may, from time to time, determine by contract or otherwise.

(Code 1975, § 24-127)

**Sec. 94-574. Charges for late payment; protest.**

Bills not paid within 30 days after the due date shall be subject to a finance service and carrying charge of one percent per month representing an annual percentage rate of 12 percent and a statement to that effect shall be contained in each bill. No bill shall be eligible for review or adjustment unless protested within 30 days after date of billing.

(Code 1975, § 24-128)

**Sec. 94-575. Limitation on review of bill.**

No sewer bill shall be eligible for review or adjustment unless paid under protest during the month it is due or payable.

(Code 1975, § 24-129)

**Sec. 94-576. Payment for services rendered city.**

The city shall pay, out of the appropriate general funds of the city, the reasonable cost and value of the services rendered to the city by the system, on the basis of the

schedule of rates prescribed in this division and amounts of water used by the several departments of the city.

(Code 1975, § 24-130)

**Sec. 94-577. Charges constitute lien.**

Charges prescribed by this division shall constitute a lien on the property served by the sewer connection, and if not paid within 90 days may be collected in the same manner as general city taxes.

(Code 1975, § 24-131)

**State law reference(s)**--Lien, MCL 123.161 et seq.

Secs. 94-578--94-600. Reserved.

**ARTICLE V. CROSS CONNECTIONS WITH PUBLIC WATER SUPPLY SYSTEM**

**Sec. 94-601. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Backflow* means water of questionable quality, wastes or other contaminants entering the city water supply system due to a reversal of flow.

*Cross connection* means a connection or arrangement of piping or appurtenances through which a backflow could occur.

*Safe air gap* means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which city water is furnished which shall be at least two times the inside diameter of the water inlet pipe; but shall not be less than one inch and need not be more than 12 inches.

*Secondary water supply* means a water supply system maintained in addition to, or instead of, the city water supply, including, but not limited to, water systems or wells from ground or surface sources whether or not approved by the public health department of the county or state, or water from the city water supply which in any way has been additionally treated or processed in a manner by which it may be exposed to any contaminant, or stored in a facility not approved by the city.

*Submerged inlet* means a water pipe or extension thereto from the city water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

*Water utility* means the city department of public utilities.

(Code 1975, § 24-141)

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 94-602. Compliance with existing laws.**

A connection with the city water supply system constructed outside of the public right-of-way shall comply with the provisions of this Code.

(Code 1975, § 24-142)

**Sec. 94-603. Cross connections prohibited.**

Cross connection of the city water supply system and any other water supply system or source including, but not limited to the following is prohibited:

- (1) Between the city water supply system and a secondary water supply.
- (2) By a submerged inlet.
- (3) Between a lawn sprinkling system and the city water supply system.
- (4) Between the city water supply and piping which may contain sanitary waste or a chemical contaminant.
- (5) Between the city water supply system and piping immersed in a tank or vessel which may contain a contaminant.

(Code 1975, § 24-143)

**Sec. 94-604. Local cross connection control program.**

The city shall develop a comprehensive control program for the elimination and prevention of all cross connections. The plan for the program shall be submitted to the state department of public health for review and approval. When the plan is approved, the city shall implement the program for removal of all existing cross connections and prevention of all future cross connections.

(Code 1975, § 24-144)

**Sec. 94-605. Corrections and protective devices.**

Any user of city water shall obtain written approval from the department of public utilities of any proposed corrective action or protective device before using or installing it. The expenses of elimination of cross connections shall be that of the owner of the property on which such cross connections exist. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross connection has not been removed within the time as herein specified, the department of public utilities shall physically separate the city water supply from the on-site piping system in such a manner that the two systems cannot again be connected by any unauthorized person. The expenses incurred by the city in such separation of water supplies shall be those of the property owner.

(Code 1975, § 24-145)

**Sec. 94-606. Piping identification.**

When a secondary water source is used in addition to the city water supply,

exposed city water and secondary water piping shall be identified by distinguishing colors or tags as specified hereafter in the city cross connection control program and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace it in its entirety, it will be necessary to protect the city water supply at the service connection in a manner acceptable to the department of public utilities.

(Code 1975, § 24-146)

**Sec. 94-607. Private water storage tanks.**

A private water storage tank supplied from the city water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

(Code 1975, § 24-147)

**Sec. 94-608. Inspection.**

It shall be the duty of the city manager or his authorized agent or agents to cause inspections to be made of all properties served by the city water supply system where cross connections with the city water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the department of public utilities and as approved by the state department of public health.

(Code 1975, § 24-148)

**Sec. 94-609. Right to enter for purpose of inspection.**

The city manager or his authorized agent or agents shall have the right to enter at any reasonable time any property served by a connection to the city water supply for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner of any property so served shall furnish to the inspector any pertinent information regarding the piping system or systems on such property. The refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Code 1975, § 24-149)

**Sec. 94-610. Discontinuance of water service.**

The department of public utilities is hereby authorized and directed to discontinue water service after eight hours' notice to any property wherein any connection in violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the city water system. The expense of discontinuance shall be that of the property owner. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this article.

(Code 1975, § 24-150)